

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)	
)	
v.)	ID No. 2002012463, 2101005153
)	
NIGEL RANSOME,)	
)	
Defendant.)	

Date Submitted: January 11, 2023

Date Decided: March 7, 2023

ORDER

Upon consideration of Defendant’s “Motion for Modification and/or Reduction” (“Motion”), Superior Court Criminal Rule 35(b), statutory and decisional law, and the record in this case, **IT APPEARS THAT:**

(1) On April 6, 2022, Defendant pled guilty to Carrying a Concealed Deadly Weapon (“CCDW”) and Burglary Second Degree.¹ Following a motion by the State, the Court issued an order on July 29, 2022, declaring Defendant a habitual offender pursuant to 11 *Del. C.* § 4214(d).² Subsequently, by Order dated August 5, 2022,³ effective January 12, 2021, Defendant was sentenced as follows: as to CCDW, 8 years at Level V;⁴ and as to Burglary Second Degree, 8 years at Level V,

¹ ID No. 2002012463, D.I. 7; ID No. 2101005153, D.I. 14.

² ID No. 2002012463, D.I. 10; ID No. 2101005153, D.I. 17.

³ ID No. 2002012463, D.I. 12; ID No. 2101005153, D.I. 16.

⁴ ID No. 2002012463, D.I. 12; ID No. 2101005153, D.I.16.

suspended after 18 months for 1 year at Level III.⁵ In total, Defendant was sentenced to 8 years and 18 months of unsuspended Level V time.

(2) Defendant the instant Motion on January 11, 2023.⁶ In his motion, Defendant asks the Court to permit him to serve the Level V sentence imposed for each charge concurrently rather than consecutively.⁷ In support of this request, Defendant cites his obligations as a sole provider for his family, his efforts at rehabilitation, pending employment upon release, and his expressions of remorse.⁸

(3) Superior Court Criminal Rule 35(b) governs motions for modification of sentence. “Under Rule 35(b), a motion for sentence modification must be filed within ninety days of sentencing, absent a showing of ‘extraordinary circumstances.’”⁹ Rule 35(b) also mandates that “[t]he [C]ourt *will not* consider repetitive requests for reduction of sentence.”¹⁰ The bar to repetitive motions has no exception.¹¹

⁵ ID No. 2002012463, D.I. 12; ID No. 2101005153, D.I. 16. Defendant was also sentenced to pay restitution in the amount of \$7424.91 to the victim.

⁶ ID No. 2002012463, D.I. 13.

⁷ *Id.* Granting Defendant’s request would eliminate the entire Level V sentence imposed for Burglary Second Degree.

⁸ *Id.*

⁹ *Croll v. State*, 2020 WL 1909193, at *1 (Del. Apr. 17, 2020)(TABLE) (affirming the Superior Court’s denial of a motion for modification of sentence where the motion was repetitive and filed beyond the 90-day limit).

¹⁰ Super. Ct. Crim. R. 35(b) (emphasis added).

¹¹ See *State v. Culp*, 152 A.3d 141, 144 (Del. 2016); *State v. Redden*, 111 A.3d 602, 608–09 (Del. Super. 2015), *as corrected* (Apr. 17, 2015).

(4) Defendant was sentenced on August 5, 2022, but he did not file the instant motion until January 11, 2023, more than 90 days after being sentenced.¹² Therefore, the Motion is procedurally barred as untimely under Rule 35(b). Additionally, this is Defendant's second motion seeking a modification of his sentence pursuant to Rule 35(b).¹³ Thus, Defendant's motion is procedurally barred as repetitive.

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion for Modification of Sentence is **DENIED**.

/s/ Jan R. Jurden
Jan R. Jurden, President Judge

Original to Prothonotary

cc: Nigel Ransome (SBI # 00944474)
Jillian Schroeder, DAG

¹² See ID No. 2002012463, D.I. 9, D.I. 13.

¹³ ID No. 2002012463, D.I. 13. Defendant was charged with CCDW in Case ID No. 2101005153 and Burglary Second Degree in Case ID No. 2002012463. Pursuant to a plea agreement with the State, Defendant pled guilty to and was sentenced in both cases simultaneously. ID No. 2002012463, D.I. 7; ID No. 2101005153, D.I. 14. Defendant previously filed a motion for modification of sentence under Rule 35(b) on October 7, 2022. ID No. 2101005153, D.I. 20. The motion was only docketed in Case ID No. 2101005153 though it should have been docketed in both cases. The Court denied that motion on November 22, 2022. ID No. 2101005153, D.I. 21.